

**House File 2076 - Introduced**

HOUSE FILE 2076

BY FISHER

**A BILL FOR**

1 An Act modifying sex offender registry requirements by  
2 requiring certain sex offenders from out-of-state whose  
3 registration requirements have expired to reregister, and  
4 providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.102, subsection 1, unnumbered  
2 paragraph 1, Code 2016, is amended to read as follows:

3 For purposes of [this chapter](#), all individuals required to  
4 register shall be classified as a tier I, tier II, ~~or tier~~  
5 III, or tier IV offender. For purposes of [this chapter](#), sex  
6 offenses are classified into the following tiers:

7 Sec. 2. Section 692A.102, subsection 1, Code 2016, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* Tier IV offenses include a conviction  
10 for any sex offense that required a sex offender to register  
11 under another jurisdiction's sex offender registry but such  
12 registration requirement in that jurisdiction has since  
13 expired.

14 Sec. 3. Section 692A.103, subsection 1, unnumbered  
15 paragraph 1, Code 2016, is amended to read as follows:

16 A person who has been convicted of any sex offense classified  
17 as a tier I, tier II, or tier III offense, or an offender  
18 required to register in another jurisdiction under the other  
19 jurisdiction's sex offender registry, shall register as a sex  
20 offender as provided in [this chapter](#) if the offender resides,  
21 is employed, or attends school in this state. A person who  
22 has been convicted of any sex offense classified as a tier  
23 IV offense shall register as a sex offender as provided in  
24 section 692A.104A if the offender resides in this state. A sex  
25 offender shall, upon a first or subsequent conviction, register  
26 in compliance with the procedures specified in [this chapter](#),  
27 for the duration of time specified in [this chapter](#), commencing  
28 as follows:

29 Sec. 4. Section 692A.103, subsection 1, Code 2016, is  
30 amended by adding the following new paragraph:

31 NEW PARAGRAPH. *g.* From the date of establishing a residence  
32 in this state if the sex offender is a tier IV offender.

33 Sec. 5. NEW SECTION. **692A.104A Tier IV — registration**  
34 **process — duration of registration.**

35 1. Notwithstanding any other Code provision to the

1 contrary, a sex offender classified as a tier IV offender  
2 shall register and shall provide all relevant information  
3 as specified in this section. All other provisions of this  
4 chapter not in conflict with this section shall apply to a tier  
5 IV offender. A sex offender classified as a tier IV offender  
6 shall, within thirty days of being required to register under  
7 section 692A.103, appear in person to register with the sheriff  
8 of the county where the principal residence of the offender is  
9 maintained. The sex offender is only required to provide the  
10 sheriff the following relevant information:

11     *a.* Name.

12     *b.* Date of birth.

13     *c.* Principal residence.

14     *d.* Photograph.

15     2. *a.* A tier IV offender is not required to verify any  
16 relevant information as required by section 692A.108.

17     *b.* However, if a tier IV offender establishes a different  
18 principal residence in this state the offender shall, within  
19 thirty days of establishing the different principal residence,  
20 appear in person to register with the sheriff of the county  
21 where the principal residence is maintained even if that  
22 different principal residence is in the same county as the  
23 previous residence and provide the county sheriff with the  
24 relevant information required under subsection 1 including  
25 allowing the sheriff to photograph the offender.

26     3. A tier IV offender shall be required to register for as  
27 long as the offender resides in this state.

28     Sec. 6. Section 692A.106, subsection 1, Code 2016, is  
29 amended to read as follows:

30     1. Except as otherwise provided in [section 232.54](#),  
31 [692A.103](#), [692A.104A](#), or [692A.128](#), or [this section](#), the duration  
32 of registration required under [this chapter](#) shall be for a  
33 period of ten years. The registration period shall begin as  
34 provided in [section 692A.103](#).

35     Sec. 7. Section 692A.110, subsection 1, Code 2016, is

1 amended to read as follows:

2 1. A sex offender shall pay an annual fee in the amount of  
3 twenty-five dollars to the sheriff of the county of principal  
4 residence, beginning with the first required in-person  
5 appearance at the sheriff's office after July 1, 2009. A tier  
6 IV offender shall pay twenty-five dollars to the sheriff of the  
7 county of principal residence at any time when the offender  
8 is required to register under section 692A.104A. If the sex  
9 offender has more than one principal residence in this state,  
10 the offender shall pay the annual fee in the county where the  
11 offender is first required to appear in person after July 1,  
12 2009. The sheriff shall accept the registration. If, at the  
13 time of registration, the sex offender is unable to pay the  
14 fee, the sheriff may allow the offender time to pay the fee,  
15 permit the payment of the fee in installments, or may waive  
16 payment of the fee. Fees paid to the sheriff shall be used to  
17 defray the costs of duties related to the registration of sex  
18 offenders under [this chapter](#).

19 Sec. 8. Section 692A.111, subsection 1, Code 2016, is  
20 amended to read as follows:

21 1. A sex offender who violates any requirements of section  
22 692A.104, 692A.104A, [692A.105](#), [692A.108](#), [692A.112](#), [692A.113](#),  
23 [692A.114](#), or [692A.115](#) commits an aggravated misdemeanor for a  
24 first offense and a class "D" felony for a second or subsequent  
25 offense. However, a sex offender convicted of an aggravated  
26 offense against a minor, a sex offense against a minor, or a  
27 sexually violent offense committed while in violation of any  
28 of the requirements specified in [section 692A.104](#), 692A.104A,  
29 [692A.105](#), [692A.108](#), [692A.112](#), [692A.113](#), [692A.114](#), or [692A.115](#)  
30 is guilty of a class "C" felony, in addition to any other  
31 penalty provided by law. Any fine imposed for a second or  
32 subsequent violation shall not be suspended. Notwithstanding  
33 section 907.3, the court shall not defer judgment or sentence  
34 for any violation of any requirements specified in this  
35 chapter. For purposes of [this subsection](#), a violation occurs

1 when a sex offender knows or reasonably should know of the  
2 duty to fulfill a requirement specified in **this chapter** as  
3 referenced in the offense charged.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 This bill modifies the sex offender registry requirements by  
8 requiring certain sex offenders whose registration requirements  
9 have expired to reregister.

10 The bill creates a tier IV offense and defines a tier IV  
11 offense to mean any sex offense that required a sex offender to  
12 register under another jurisdiction's sex offender registry but  
13 such registration in that jurisdiction has since expired.

14 The bill requires a person who has been convicted of any sex  
15 offense classified as a tier IV offense to register as a sex  
16 offender in this state as long as the person resides in this  
17 state.

18 The bill establishes the registration requirements for a  
19 tier IV offender which are different from other sex offenders  
20 who are required to register. Under the bill, a tier IV  
21 offender shall, within 30 days of establishing a residence in  
22 this state, appear in person to register with the sheriff of  
23 the county where the principal residence of the offender is  
24 maintained. At the time of registration the tier IV offender  
25 is required to provide the sheriff with the offender's name,  
26 date of birth, residence, and a photograph. Current law  
27 provides that any new sex offender registrant must register  
28 with the sheriff of the county where the principal residence is  
29 maintained within five days of being required to do so and also  
30 requires a sex offender to provide more relevant information  
31 to the county sheriff. The relevant information required to  
32 be provided to the county sheriff is listed in Code section  
33 692A.101(23).

34 The bill does not require a tier IV offender to periodically  
35 verify any relevant information or to notify the county sheriff

1 when certain relevant information has changed. However,  
2 the bill does require a tier IV offender who establishes  
3 a different residence in this state to, within 30 days of  
4 establishing such a residence, appear in person to register  
5 with the sheriff of the county where the principal residence  
6 is maintained even if that different principal residence is  
7 in the same county as the previous residence and provide the  
8 county sheriff with the relevant information required by the  
9 bill including allowing the sheriff to photograph the offender.

10 The bill requires a tier IV offender to pay \$25 to the  
11 sheriff of the county of principal residence at any time when  
12 the offender is required to register, including when the  
13 offender establishes a different principal residence. Current  
14 law requires a sex offender to pay a \$25 annual fee to the  
15 county sheriff.

16 A tier IV offender who violates the bill commits an  
17 aggravated misdemeanor for a first offense and a class "D"  
18 felony for any second or subsequent offense. A tier IV  
19 offender is guilty of a class "C" felony if the offender  
20 is convicted of an aggravated offense against a minor, a  
21 sex offense against a minor, or a sexually violent offense  
22 committed while in violation of any of the requirements  
23 specified in the bill.

24 Depending on the nature of the offense committed in the  
25 other jurisdiction, a tier IV offender may be subject to  
26 exclusion zones and prohibition of certain employment-related  
27 activities under Code section 692A.113, residency and child  
28 care restrictions under Code section 692A.114, and restricted  
29 employment where dependent adults reside under Code section  
30 692A.115.

31 A tier IV offender is not eligible to modify the registration  
32 requirements pursuant to Code section 692A.128.